

Appln No. 10/040,977

Amdt date June 27, 2005

Reply to Office action of March 24, 2005

**REMARKS/ARGUMENTS**

Claims 24, 25, 27, 31-35, 39-41, 43-46 now remain pending in this application. Applicants have amended claims 24 and 31, added new claims 44-46 and canceled claims 26, 29 and 42. The amendments and new claims find full support in the original specification, claims and drawings. No new matter is presented. Applicants therefore respectfully request a timely indication of allowance.

In the Office action dated March 24, 2005, the Examiner rejected claims 24, 25, 29, 31-35 and 39-41 as allegedly anticipated by U.S. Patent No. 5,855,592 to Mc Gee, et al. The Examiner allowed claim 43, and indicated that claims 26, 27 and 42 would be allowable if rewritten in independent form. Applicants have canceled claim 29, amended independent claim 24 to include the limitations of allowable claim 26, and have amended independent claim 31 to include the limitations of allowable claim 42. Accordingly, independent claims 24 and 31, as amended, and all claims dependent therefrom, including claims 25, 27, 32-35 and 39-41, are now allowable.

In addition, new claims 44-46 are directed to methods that comprise "applying defibrillation energy to tissue of the heart through selected ones of the spine electrodes..., wherein one or more spine electrodes... are shorted together...." Applicants submit these claims are patentable as well.

In view of the above amendments and remarks, Applicants submit that all of pending claims 24, 25, 27, 31-35, 39-41, 43-46 are in condition for allowance. Applicants therefore respectfully request a timely indication of allowance. However,

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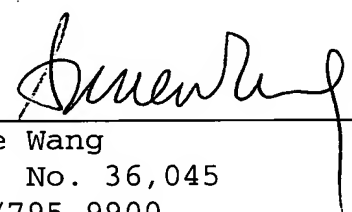
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if there are any remaining questions that can be addressed by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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